

**CANYON BREEZE (CANYON BREEZE LLC)
FOURTEEN-LOT MAJOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Tristan Riddell *TR*

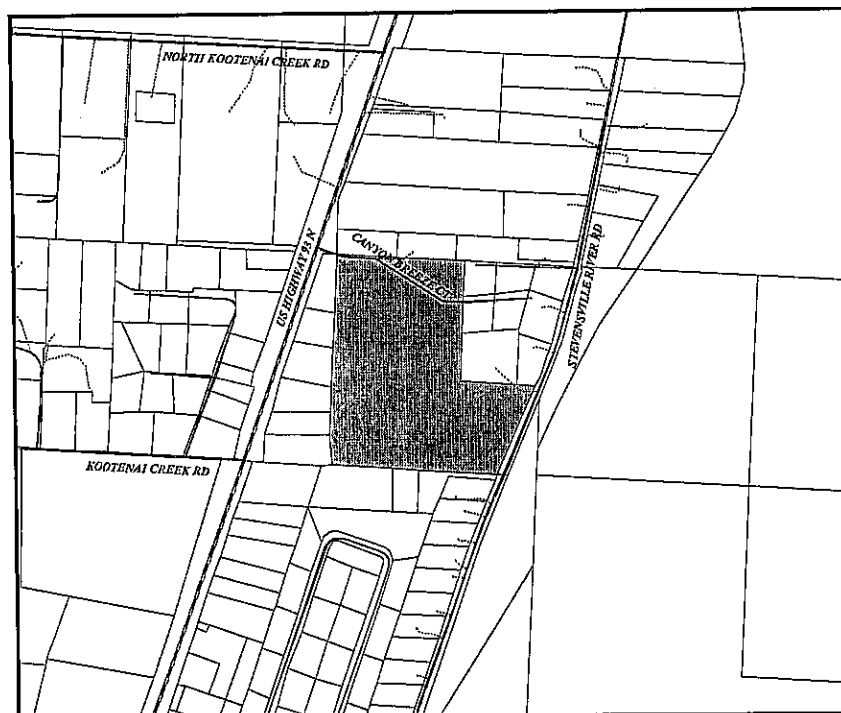
**REVIEWED/
APPROVED BY:** Renee Lemon *RL*

**PUBLIC HEARINGS/
MEETINGS:** Planning Board Public Meeting 7:00 p.m. January 2, 2008
BCC Public Hearing: 9:00 a.m. January 8, 2008
Deadline for BCC action (60 working days): February 13, 2008

SUBDIVIDER: Canyon Breeze, LLC/Robert Kwapy
PO Box 370
Stevensville, MT 59870

REPRESENTATIVE: Territorial-Landworks
Nathan Lucke
PO Box 3851
Missoula, MT 59806

LOCATION OF REQUEST: The property is located west of Stevensville off Canyon Breeze Court and US Highway 93. (See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

A parcel, located in the SW ¼ of Section 15, T9N, R20W, P.M.M.,
Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined complete on November 15, 2007. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-8 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended May 24, 2007.**

LEGAL NOTIFICATION:

A legal advertisement was published in the *Ravalli Republic* on Monday, December 17, 2007. Notice of the project was posted on the property and adjacent property owners were notified by regular mail postmarked December 13, 2007. No public comments have been received to date.

**DEVELOPMENT
PATTERN:**

| | |
|------------------|---|
| Subject property | Vacant |
| North | Rural Residential/Commercial |
| South | Rural Residential/Commercial/Vacant Rural |
| East | Rural Residential/Bitterroot River |
| West | Commercial/Vacant Rural/US Highway 93 |

INTRODUCTION

The Canyon Breeze Major subdivision is a fourteen-lot subdivision proposed on 28.75 acres. The proposal is for fourteen (14) residential lots. Lots will be served by individual wells and septic systems. No variances were requested with this proposal.

The Planning Department has been working with the Consulting Engineer in regards to the proposed emergency-only access and the possibility of creating a through road.

Staff recommends conditional approval of the subdivision proposal.

RAVALLI COUNTY PLANNING BOARD
JANUARY 2, 2008
CANYON BREEZE
FOURTEEN-LOT MAJOR SUBDIVISION

RECOMMENDED MOTIONS

1. That the Canyon Breeze Major Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture*)

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the Stevensville River Road frontage of this subdivision, excepting the approach to Canyon Breeze Lane. All lots within this subdivision shall access off the internal subdivision roads. There are also no-ingress/egress zones located along the private driveway leading to Lot 8. Lots 7 and 9 shall access directly off Canyon Breeze Lane. This limitation of access may be lifted or amended only with the approval of the Board of Ravalli County Commissioners. (*Section 3-2-8(b)(v), Effects on Local Services and Public Health and Safety*)

Notification of Road Maintenance Agreement. Ravalli County, the State of Montana, or any other governmental entity does not maintain the internal subdivision roads and therefore does not assume any liability for improper maintenance or the lack thereof. A Road Maintenance Agreement for these roads was filed with this subdivision and outlines what parties are responsible for maintenance and under what conditions. (*Section 3-2-8(b)(v), Effects on Local Services*)

Notification of Irrigation Facilities and Easement. Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Downstream water right holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. (*Section 3-2-8(b), Prerequisites to Approval and Section 3-2-8(b)(v), Effects on Agricultural Water User Facilities*)

Notification of Severe Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as severe for roads and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the severe soils are included as exhibits to this document. (The subdivider shall include the exhibits as attachments) (*Effects on Public Health and Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Living with Wildlife. (See Exhibit A-1 for required provisions.) (Section 3-2-8(b)(v), *Effects on Agriculture and Wildlife & Wildlife Habitat*)

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (Section 3-2-8(b)(v), *Effects on Natural Environment and Public Health and Safety*)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their structures tested for radon. Contact the Ravalli County Environmental Health Department for further information. (Section 3-2-8(b)(v), *Effects on Public Health & Safety*)

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (Section 3-2-8(b)(v), *Effects on Agriculture and Natural Environment*)

Posting of County-Issued Addresses for Lots within this Subdivision. The Stevensville Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the accessway leading to each lot as soon as construction on the structure begins. (Section 3-2-8(b)(v), *Effects on Local Services and Public Health & Safety*)

Access Requirements for Lots within this Subdivision. The Stevensville Rural Fire District has adopted the Fire Protection Standards. All accesses over 150' in length must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Stevensville Rural Fire District for further information. (Section 3-2-8(b)(v), *Effects on Local Services and Public Health & Safety*)

Building Standards. The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. (Section 3-2-8(b)(v), *Effects on Local Services and Public Health & Safety*)

Wood Stoves. The County recommends that home owners install EPA-certified wood stoves to reduce air pollution. It is recommended that wood burning stoves not be used as the primary heat source. More information is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Credit for the cost of purchasing and

installing a low emission wood or biomass combustion device such as a pellet or wood stove.
(Section 3-2-8(b)(v), *Effects on Natural Environment*)

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval.
(Section 3-2-8(b)(v), *Effects on all six criteria*)

3. The subdivider shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (Section 3-2-8(b)(v), *Effects on Local Services*)
4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Section 3-2-8(b)(v), *Effects on Local Services and Public Health & Safety*)
5. Prior to final plat approval, the subdivider shall provide a letter from the Stevensville Rural Fire District stating that the subdivider have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdivider may provide evidence that a \$500-per-lot contribution has been made to the Stevensville Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Section 3-2-8(b)(v), *Effects on Local Services and Public Health & Safety*)
6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Stevensville Rural Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Stevensville Rural Fire Department for further information". (Section 3-2-8(b)(v), *Effects on Local Services and Public Health & Safety*)
7. The final plat shall show a no-ingress/egress zone along the Stevensville River Road frontage of the subdivision, excepting the approved approach for Canyon Breeze Lane, as approved by the Ravalli County Road & Bridge Department. (Section 3-2-8(b)(v), *Effects on Local Services and Public Health and Safety*)
8. Stop signs and road name signs shall be installed at the intersections of all internal roads prior to final plat approval. (Section 3-2-8(b)(v), *Effects on Local Services and Public Health and Safety*)
9. The subdivider shall submit a letter or receipt from the Stevensville School District stating that they have received an amount per lot (to be recommended by the Board of County Commissioners in consultation with the subdivider and the School District) prior to final plat. (Section 3-2-8(b)(v), *Effects on Local Services*)
10. The subdivider shall submit an (amount)-per-unit contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services prior to final plat approval. (Section 3-2-8(b)(v), *Effects on Local Services and Public Health & Safety*)

11. The following statement shall be shown on the face of the final plat: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (*Section 3-2-8(b)(v), Effects on the Natural Environment*)
12. The subdivider shall provide evidence indicating that all surface water rights associated with the subject property have been severed from the land prior to final plat approval. (*Section 3-2-8(a), Prerequisites to Approval and Section 3-2-8(b)(v), Effects on Agricultural Water User Facilities*)
13. A 15-foot wide irrigation easement providing water from the west, north along the western boundary of Lot 4 then east along the shared boundaries of Lots 3 and 4 and Lots 11 and 12, to Lot 2 of the East Side Subdivision shall be shown on the final plat. In addition the subdivider shall install a culvert under Canyon Breeze Drive. (*Section 3-2-8(a), Prerequisites to Approval and Section 3-2-8(b)(v), Effects on Agricultural Water User Facilities*)
14. The subdivider shall provide for a 30-foot wide private driveway access and utility easement along the western boundary of Lot 9 to serve Lot 8. No-ingress/egress strips shall be located along each side of the easement so that only Lot 8 has access to the driveway. (*Effects on Local Services*)
15. The subdivider shall submit an updated RMA for Canyon Breeze Court that includes the residents of both the Canyon Breeze Subdivision and the East End, Lot 1, AP. (*Effects on Local Services*)
16. The applicants shall provide evidence that plans for a Collection Box Unit (CBU), including location of the box and specifications, have been approved by the local post office prior to final plat approval. (*Effects on Local Services*)
17. The subdivider shall work with the school district to determine an appropriate location for a safe pick-up/drop off zone for school children, if applicable. (*Effects on Local Services*)

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. The features listed in RCSR Section 3-4-4(a)(ii) are required on the Final Plat. Following are specific features related to this subdivision:
 - a) Existing and proposed utility easements, as shown on the preliminary plat, shall be shown on the final plat.
 - b) The existing 15-foot wide irrigation easement on the western boundaries of Lots 4 and 5 shall be shown on the final plat, as shown on the preliminary plat.
 - c) A 15-foot wide irrigation easement providing water from the west, north along the western boundary of Lot 4 then east along the shared boundaries of Lots 3 and 4 and Lots 11 and

- 12, to Lot 2 of the East Side Subdivision shall be shown on the final plat. In addition the subdivider shall install a culvert under Canyon Breeze Drive. No ingress/egress zone along the Stevensville River Road, excepting the approved approach to Canyon Breeze Lane.
- d) No ingress/egress zones along each side of a private, 30-foot wide driveway easement leading to Lot 8.
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
 4. Any variance decisions shall be submitted with the final plat submittal. (None have been requested at this time)
 5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
 6. The final plat review fee shall be submitted with the final plat submittal.
 7. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
 8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
 9. The DEQ Certificate of Subdivision Approval shall be submitted with the final plat submittal.
 10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal, if applicable.
 11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
 12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of the submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurer's Office for the payment of cash-in-lieu of parkland dedication.
 13. A final approach permit from the Ravalli County Road and Bridge Department for the Canyon Breeze Lane connection to Stevensville River Road shall be submitted with the final submittal.
 14. Evidence of Ravalli County-approved road name petition(s) for each new road.
 15. Final Road Plans and Grading and Storm Water Drainage Plan.
 16. Road certification(s).
 17. Utility availability certification(s) from NorthWestern Energy and Qwest Communications shall be submitted with the final plat submittal.
 18. A Road Maintenance Agreement for Canyon Breeze Court, Canyon Breeze Drive, and Canyon Breeze Lane, signed and notarized.
 19. Written and notarized documentation indicating that the water rights will be removed from the property. This requirement can be met through Condition 12, which requires that the subdivider actually sever the water rights prior to final plat approval, and provide evidence to that effect.

20. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
21. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
22. A copy of the letter sent to the Stevensville School District stating the subdivider has made or is not willing to make a voluntary contribution (to be determined) to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
23. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.) (Section 3-4-4(a)) The following improvements have been approved through this proposal:
 - a. Specific infrastructure improvements required for this subdivision are the installation of stop signs and road name signs at the intersection of all accesses with Stevensville Cutoff Road, and the construction of the internal road system as shown on the preliminary plat and as preliminarily approved by the Road and Bridge Department.

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utilities are located along the Canyon Breeze Court and Stevensville River Road frontages of the subdivision. (Canyon Breeze Application)
2. The proposed 60-foot wide public road and utility easements for Canyon Breeze Drive and Canyon Breeze Lane will provide utilities to Lots 2 through 7 and Lots 9 through 13. Lot 8 will receive utility service from the existing public road and utility easement located along Stevensville River Road. Lots 1 and 14 will receive utility service from the existing 60-foot public road and utility easement associated with Canyon Breeze Court. (Canyon Breeze Application)
3. *Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*

Conclusion of Law

The proposed subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subject property is accessed by US Highway 93, Canyon Breeze Court, Stevensville Cutoff Road, Stevensville River Road, and the proposed internal road system. (Canyon Breeze Subdivision Application)
2. US Highway 93 and Stevensville Cutoff Road are State roads. (Canyon Breeze Subdivision Application)
3. Stevensville River Road is a County-maintained road. (Exhibit A, RCSR)
4. Canyon Breeze Court is a privately-maintained road. A 60-foot wide public access and utility easement agreement has been filed for Canyon Breeze Court. (Canyon Breeze Subdivision Application and Document # 586164)
5. The subdivider is proposing to construct the internal road system to meet County standards. The Ravalli County Road and Bridge Department has issued preliminary approval of the road plans. (Canyon Breeze Subdivision Application)
6. The subdivider is proposing 60-foot wide public road and utility easements for the internal subdivision roads. (Canyon Breeze Subdivision Application)
7. *To ensure legal and physical access to the subdivision, the following requirements shall be met:*
 - a. *Submittal of approved Road and Driveway approach and encroachment permits from RCRBD and MDOT. (Requirement 13)*
 - b. *The subdivider shall submit an updated RMA for Canyon Breeze Court that includes the residents of both, the Canyon Breeze Subdivision and the East End, Lot 1, AP. A RMA for Canyon Breeze Drive and Canyon Breeze Lane shall be submitted prior to final plat approval. Notifications of the RMAs shall be included in the Notifications Document. (Requirement 18 and Conditions 1 and 15)*
 - c. *Final approval from the Ravalli County Road and Bridge Department that the internal road network was constructed to meet County standards is required to be submitted*

prior to final plat approval. This packet shall include final road plans and grading and storm water drainage plan, and a final letter of approval from the Ravalli County Road and Bridge Department. (Requirements 15 and 16)

Conclusion of Law

Legal and physical access will be provided by US Highway 93, Canyon Breeze Court, Stevensville Cutoff Road, Stevensville River Road, and the internal road network.

- C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.**

Findings of Fact

1. To mitigate impacts on public health and safety, the subdivider is required to install stop signs and road name signs at the intersections of all internal roads before final plat approval. (Condition 8)
2. The subdivider is proposing to construct the internal road system as proposed in the road plans that have been preliminarily approved by the Ravalli County Road and Bridge Department. (Canyon Breeze Subdivision Application)
3. *The subdivider is required to submit evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval. (Requirement 23)*

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that all improvements are installed.

- D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Finding of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
 - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
 - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
 - (iii) reserve and sever all surface water rights from the land.
2. The average lot size for this proposal is approximately 2.04 acres (Canyon Breeze Subdivision Application)
3. The subdivider is proposing to reserve and sever all surface water rights from the land. (Canyon Breeze Application)
4. *To ensure that the water rights have been severed from the land, the subdivider shall provide evidence that this has occurred prior to final plat approval. (Condition 12)*

Conclusion of Law

Upon providing proof that the water rights have been severed from the land, this requirement will be met.

E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Finding of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
 - (A) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
 - (B) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (C) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. There is an existing irrigation ditch traversing the southwestern portion of the subdivision. The ditch is labeled as an "Existing Irrigation Ditch Within 15' Easement" on the preliminary plat. (Canyon Breeze Subdivision Application)
3. The owners of Lot 2 of the East Side Subdivision, which is immediately north of proposed Lot 10, notified the Planning Department that they have water rights from Kootenai Creek. Currently, there is no ditch infrastructure across the proposed subdivision carrying water to Lot 2 of the East Side Subdivision. The owners of Lot 2 are concerned about their ability to physically get the water. No evidence has been provided that the owners of Lot 2 no longer have beneficial use of the water rights because of the lapse in use. (Exhibit A-8)
4. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirement and condition shall be met prior to final plat approval:*
 - *The 15-foot wide irrigation easement is required to be shown on the final plat, as proposed on the preliminary plat. (Final Plat Requirement 2)*
 - *A 15-foot wide irrigation easement providing water from the west to Lot 2 of the East Side Subdivision shall be shown on the final plat or alternatively, the subdivider shall submit evidence that Lot 2 does not have water rights prior to final plat approval. (Condition 14 and Final Plat Requirement 2)*
 - *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner(s) shall be included in the notifications document. (Condition 1)*

Conclusion of Law

With the requirements and conditions of final plat approval, this prerequisite will be met.

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Findings of Fact

1. All lots within the subdivision are proposed for residential use. (Canyon Breeze Subdivision Application)
2. The subdivider has proposed cash-in-lieu of parkland dedication. (Canyon Breeze Subdivision Application)
3. During the January 2, 2008 Planning Board meeting, Bob Cron, Park Board Representative, stated that the Park Board would concur with the subdividers preference to pay cash-in-lieu of parkland.

4. *Prior to final plat approval, the subdivider is required to submit a copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of the submittal, for calculating the cash-in-lieu of parkland dedication. The BCC shall determine whether or not to accept the report or request another appraisal. Once the BCC has approved an appraisal, the subdivider shall pay the cash-in-lieu based on the approved appraisal to the County Treasurer's Office and provide a receipt with the final plat submittal. (Requirement 12)*

Conclusion of Law

With the acceptance of a cash-in-lieu payment, the parkland requirement will be met.

G. Overall Conclusion on Prerequisite Requirements

With the conditions and requirements of final plat approval, there is credible evidence that the subdivision application meets the prerequisite requirements.

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The subdivision design as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (Canyon Breeze Subdivision File)
2. This development proposal has followed the necessary application procedures and has been reviewed in compliance with Chapter 3 of the RCSR. (Canyon Breeze Subdivision File)

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The requirements for the application and review of this proposed subdivision have been met.

B. Applicable zoning regulations.

Findings of Fact

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2038). The application complies with Resolution 2038.
2. The property is not within one of the voluntary zoning districts in Ravalli County. (Canyon Breeze Subdivision Application)

Conclusion of Law

This proposal complies with existing zoning regulations.

C. Existing covenants and/or deed restrictions.

Findings of Fact

There are no existing covenants on the property. (Canyon Breeze Subdivision Application)

Conclusion of Law

There are no applicable covenants or deed restrictions.

D. Other applicable regulations.

Findings of Fact

1. Following are applicable regulations:

- Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
- Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
- Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
- Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
- Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)

2. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusion of Law

With the requirements of final plat approval, the application will meet all of the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed major subdivision on 28.75 acres will result in fourteen lots that range in size from 2.00 acres to 2.27 acres. The property is located approximately 2 miles northwest of the Town of Stevensville off U.S. Highway 93. (Canyon Breeze Subdivision Application)
2. The subject property is located in an area with a mix of commercial, residential, and agricultural uses. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services; 2005 Aerial Photography created by the National Agricultural Imagery Program; and the Canyon Breeze Subdivision Application)
3. There is no prime farmland or farmland of statewide importance on the property. (Canyon Breeze Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
4. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Common Tansy and Canadian Thistle were present on the property. The subdivider has proposed a provision in the covenants that the owners of each lot control noxious weeds. (Canyon Breeze Subdivision Application)
5. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
6. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
 - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*

- *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
- *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agriculture.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. The application states that there are three water rights associated with the property. The subdivider states that the water rights will be severed from the land prior to final plat approval. (Canyon Breeze Subdivision Application)
2. There is a 15-foot wide irrigation easement shown on the ditch that borders proposed Lots 4 and 5. There are downstream users. (Canyon Breeze Subdivision Application)
3. The owners of Lot 2 of the East Side Subdivision, which is immediately north of proposed Lot 10, notified the Planning Department that they have water rights from Kootenai Creek. Currently, there is no ditch infrastructure across the proposed subdivision carrying water to Lot 2 of the East Side Subdivision. The owners of Lot 2 stated that they are concerned about their ability to physically get the water. No evidence has been provided that the owners of Lot 2 have lost beneficial use of the water rights because of a lapse in use. (Exhibit A-8)
4. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agricultural water user facilities:*
 - *Prior to final plat approval, the subdivider shall provide evidence that all surface water rights have been severed from the land. (Condition 12)*
 - *The notifications document filed with the final plat shall include a notification of the irrigation ditch and easement on Lots 4 and 5. (Condition 1)*
 - *The 15-foot wide irrigation easement shall be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
 - *A 15-foot wide irrigation easement providing water from the west, north along the western boundary of Lot 4 then east along the shared boundaries of Lots 3 and 4 and Lots 11 and 12, to Lot 2 of the East Side Subdivision shall be shown on the final plat. In addition the subdivider shall install a culvert under Canyon Breeze Drive. (Condition 13 and Final Plat Requirement 2)*

Conclusion of Law

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agricultural water user facilities.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire District

1. The subdivision is located within the jurisdiction of the Stevensville Rural Fire Department. (Canyon Breeze Subdivision Application)
2. The All Valley Fire Council, which includes the Stevensville Rural Fire Department, has adopted Fire Protection Standards (outlined in document from the Hamilton Rural Fire Department) that address access, posting of addresses, and water supply requirements. The Fire Council also recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. (Exhibit A-1)
3. In a letter dated June 25, 2007, Bill Perrin, Chief of the Stevensville Rural Fire Department, stated that the fire district requests that a 20-foot wide access-way be provided off of

Stevensville River Road between Lots 9 and 10 in addition to the \$500 contribution typically asked for by the department. (Exhibit A-2)

4. The applicants are proposing to construct a County standard road with a cul-de-sac to the edge of Stevensville River Road. They are proposing that the connection to Stevensville River Road be an emergency access instead of a through-road. (Canyon Breeze Subdivision Application)
5. *The following conditions will mitigate impacts of the subdivision on the Stevensville Rural Fire Department:*
 - *Provisions shall be included in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
 - *The covenants shall include a recommendation that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. (Condition 2)*
 - *Prior to final plat approval, the subdivider shall provide a letter from the Stevensville Rural Fire Department stating that the subdivider have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for the additional lot. Alternatively, the subdivider may provide evidence that \$500 has been contributed to the Stevensville Rural Fire Department with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
 - *The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Stevensville Rural Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Stevensville Rural Fire Department for further information". (Condition 6)*
 - *The subdivider shall construct the Canyon Breeze Lane connection to Stevensville River Road to be a through-road. (See findings under Roads below.) (Condition 15)*

School District

6. The proposed subdivision is located within the Stevensville School District. (Canyon Breeze Subdivision Application)
7. It is estimated that 7 school-aged child will be added to the Stevensville School District, assuming an average of 0.5 children per household. (Census 2000)
8. In a letter dated December 10, 2007, Kent Kultgen, Superintendent of the Stevensville School District, asked that the subdivider consider the inclusion of a safe pick-up/drop off zone for school bus children and that the district has yet to complete an impact fee study. (Exhibit A-3)
9. The cost per pupil for one year in the Stevensville School District, excluding capital costs, is \$8,020. Taxes from new residents are not immediately available to the school districts. (Exhibit A-4)
10. *The following conditions shall be met to mitigate impacts on the School District:*
 - *To mitigate impacts on local services, the subdivider shall work with the school district to determine an appropriate location for a safe pick-up/drop off zone for school children, if applicable. (Condition 17)*
 - *Staff recommends that the subdivider negotiate a contribution with the BCC, in consultation with the Stevensville School District, if possible, to mitigate potential impacts of additional students on the School District. (Condition 9 and Final Plat Requirement 23)*

Water and Wastewater Districts

11. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Canyon Breeze Subdivision Application)

Law Enforcement and County Emergency Services (Sheriff, E-911, DES)

12. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Canyon Breeze Subdivision Application)
13. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on August 2, 2007 and November 27, 2007, but no comments have been received from the Sheriff's Office. (Canyon Breeze Subdivision File)
14. The average number of people per household in Ravalli County is 2.5. (Census 2000)
15. The subdivider has not proposed mitigation for the impacts that an additional 32.5 people will have on Public Safety Services (Sheriff, E-911, and DES) prior to any taxes being collected from those additional residents. (Canyon Breeze Subdivision Application)
16. *To mitigate impacts on Ravalli County Public Safety Services, Staff recommends the subdivider negotiate a contribution with the BCC, to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Condition 10)*

Ambulance Services

17. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Dept. Marcus Daly was contacted on August 2, 2007 and November 27, 2007, but no comments have been received to date. (Canyon Breeze Subdivision File)
18. *To mitigate impacts on emergency services, the subdivider shall provide evidence with the final plat submittal that they have applied for a County-issued address for each lot within the subdivision. (Condition 4)*

Solid Waste Services

19. Bitterroot Disposal provides solid waste service to this site.
20. Notification letters were sent to Bitterroot Disposal requesting comments on August 2, 2007 and November 27, 2007, but no comments have been received. (Canyon Breeze Subdivision File)

Utilities

21. The proposed subdivision will be served by NorthWestern Energy and Qwest Communications. (Canyon Breeze Subdivision Application)
22. Notification letters were sent to both utility companies requesting comments on August 2, 2007 and November 27, 2007, but no comments have been received by either company. (Canyon Breeze Subdivision File)
23. *The following requirements will mitigate impacts of the subdivision on local utilities:*
 - *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
 - *The subdivider shall submit utility availability certifications from NorthWestern Energy and Qwest Communications prior to final plat approval. (Final Plat Requirement 17)*

Roads

24. It is estimated that this subdivision will generate an additional 104 trips per day. (Canyon Breeze Subdivision Application)
25. The subdivider is proposing to access Lots 1 through 7 and Lots 9 through 14 off the proposed internal subdivision roads, Canyon Breeze Court, and US Highway 93. Access to Lot 8 is proposed via an individual driveway off Stevensville River Road. (Canyon Breeze Subdivision Application)
26. Canyon Breeze Court is a privately-maintained road that was recently constructed to meet County standards by Mr. Kwapy for the East End Lot 1 minor subdivision, which received final plat approval in 2007. (Canyon Breeze Subdivision Application)

27. There is an existing RMA for Canyon Breeze Court filed with the East End, Lot 1, AP minor subdivision. The existing RMA will be revised to include the Lots within the Canyon Breeze proposal.
28. The subdivider is proposing to construct the internal roads (Canyon Breeze Drive and Canyon Breeze Lane) to meet County standards. The Road Department has granted preliminary approval to the design. (Canyon Breeze Subdivision Application)
29. Stevensville River Road is a County-maintained road. (RCSR)
30. The subdivider has submitted an approved approach permit for Lot 8 to access directly from Stevensville River Road from the Road and Bridge Department. This approach has been installed. (Canyon Breeze Subdivision Application)
31. In accordance with Section III (c) of the Ravalli County Road and Bridge Department's Access Encroachment Policy, the subdivider is allowed only one approach onto Stevensville River Road (minor local road). In a conversation on December 26, 2007, Road Supervisor David Ohnstad stated that in accordance with the Encroachment Policy, the RCRBD would not issue another approach onto Stevensville River Road.
32. The Stevensville Rural Fire District is requesting that the subdivider provide for a second access to the subdivision off Stevensville River Road between Lots 9 and 10. (Exhibit A-2)
33. In response to the Fire District's request, the subdivider is proposing an emergency-only access off Stevensville River Road. Canyon Breeze Lane, which provides the emergency-only connection to Stevensville River Road, will be constructed to meet County standards and has received preliminary approval from the Road Department. (Canyon Breeze Subdivision Application)
34. The application does not provide any findings on why the Canyon Breeze Lane connection to Stevensville River Road should be an emergency-only access instead of a through-road. (Canyon Breeze Subdivision Application)
35. In order to meet the request of the Stevensville Rural Fire Department and the requirements of the Access Encroachment Policy, the subdivider will need to abandon the approach to Lot 8 and re-apply for an approach to connect to the proposed emergency-only access onto Canyon Breeze Lane.
36. *To mitigate impacts on the road network and to provide for efficient traffic circulation, the following conditions and requirements shall be met:*
 - *The subdivider shall submit an updated RMA for Canyon Breeze Court that includes the residents of both the Canyon Breeze Subdivision and the East End, Lot 1, AP. A RMA for Canyon Breeze Drive and Canyon Breeze Lane shall be submitted prior to final plat approval. Notifications of the RMAs shall be included in the Notifications Document. (Requirement 18 and Conditions 1 and 15)*
 - *The subdivider shall provide for a 30-foot wide private driveway access and utility easement along the western boundary of Lot 9 to serve Lot 8. No-ingress/egress zones shall be located along each side of the easement so that only Lot 8 has access to the driveway. Notification of the no-ingress/egress zones shall be included in the Notifications Document. (Conditions 1 and 14)*
 - *A final approach permit from the Ravalli County Road and Bridge Department for the Canyon Breeze Lane connection to Stevensville River Road shall be submitted with the final submittal. (Final Plat Requirement 13)*
 - *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Condition 3)*
 - *The final plat shall show no-ingress/egress zones along the Stevensville River Road frontage of the subdivision, excluding the approved approach to for Canyon Breeze Lane. A notification of the no-ingress/egress zones shall be included in the notifications document. (Final Plat Requirement 2 and Conditions 1 and 7)*

- *Prior to final plat approval, the subdivider shall provide evidence from the Road and Bridge Department that the internal roads have been built to required specifications, as approved in the preliminary road design. (Final Plat Requirements 15, 16 and 23)*
- *Prior to final plat approval, the subdivider shall submit a General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ. (Requirement 10)*
- *Add stop signs and road name signs. (Condition 8)*
- *Add road name petition requirement (Requirement 14)*

Postal Service

37. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS (Exhibit A-5).
38. *To mitigate impacts on local services, the subdivider shall provide evidence that plans for a Collection Box Unit (CBU), including location of the box and specifications have been approved by the local post office prior to final plat approval. (Condition 16)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on local services.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Air Quality

1. The Montana Department of Environmental Quality (DEQ) determined that Ravalli County has failed the National Ambient Air Quality Standards for particulate matter. Sources of particulate from this subdivision could be vehicles, and/or wood-burning stoves. (Exhibit A-6)
2. *To mitigate impacts on air quality, a recommendation for EPA-certified wood stoves shall be included in the covenants. (Condition 2)*

Ground Water Quality

3. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Canyon Breeze Subdivision Application)
4. *The subdivider is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

Surface Water Features

5. There are no streams, riparian areas or wetlands on or adjacent to the property.
6. The subdivision is located adjacent to the Bitterroot River. The entire property falls outside the 100-year floodplain and is separated from the river by the Stevensville River Road. A floodplain analysis was not required. (Canyon Breeze Subdivision Application, Site Visit, Ravalli County GIS data)

Light Pollution

7. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association, www.darksky.org)

8. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

Vegetation

9. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Common Tansy and Canadian Thistle were present on the property. The subdivider has proposed a provision in the covenants that the owners of each lot control noxious weeds. (Canyon Breeze Subdivision Application)
10. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
11. The Montana Natural Heritage Program found that there were no plant species of concern within the same sections as the subject property (Canyon Breeze Subdivision Application).
12. *To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Archaeological Resources

13. There are no known sites of historical significance on the property. (Canyon Breeze Subdivision Application)
14. *To mitigate possible impacts on any potential sensitive historical, cultural, archaeological, paleontological, and/or scenic sites, the following statement shall be on the final plat: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the developer will contact the State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 11)*

Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

1. The property is not located within big-game winter range. (FWP)
2. FWP recommended living with wildlife covenants for the property. (Exhibit A-7)
3. According to the Montana Natural Heritage Program (MNHP) in May of 2007, the Canada Lynx, Western Spotted Skunk, Olive-sided Flycatcher, Bobolink, and Lewis's Woodpecker were identified as species of concern as they have been known to exist in the same section as the proposed subdivision. (Canyon Breeze Subdivision Application)
4. The subdivider submitted a sensitive species report prepared by an ecological consultant named Joe C. Elliot Ph.D. Mr. Elliot visited the site on May 25, 2007 and found the habitat to be non-suitable for all species identified by MNHP. (Canyon Breeze Subdivision Application)
5. *To mitigate impacts on wildlife, the following conditions shall be met:*
 - *The covenants shall include a living with wildlife section. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access is proposed off Canyon Breeze Court from US Highway 93 and Stevensville River Road from U.S. Highway 93 and Stevensville Cutoff Road. (Canyon Breeze Subdivision Application)
2. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Stevensville Rural Fire Department, the Ravalli County Sheriff's Office, Ravalli County E-911, the Ravalli County Department of Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (Canyon Breeze Subdivision Application)
4. This proposal will add approximately 32.5 people to Ravalli County. (Census 2000)
5. The subdivider has not proposed mitigation for the impacts that an additional 32.5 people will have on Public Safety Services (Sheriff, E-911, and DES) prior to any taxes being collected from those additional residents. (Canyon Breeze Subdivision Application)
6. *The requirements and conditions listed under Fire District, Law Enforcement and County Emergency Services, Ambulance Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

7. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Canyon Breeze Subdivision Application)
8. *The subdivider is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Requirement 9)*

Natural and Man-Made Hazards

9. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
10. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
11. *To mitigate impacts on public health & safety, the covenants shall include a statement regarding radon exposure. (Condition 2)*
12. The preliminary plat and soils map indicate that the subdivision may have soils rated as "Very Limited" for road and building construction. (Canyon Breeze Subdivision Application)
13. *To educate property owners and to mitigate potential impacts of this subdivision on Public Health & Safety, a notification of the potential for Very Limited soils shall be included in the notifications document filed with the final plat. A reduced plat showing the approximate locations of soils rated as Very Limited for roads and building construction and descriptions of the soils in question shall be attached to the notifications document as an exhibit. (Condition 1)*
14. The entire property falls outside the 100-year floodplain of the Bitterroot River and is separated from the river by Stevensville River Road. A floodplain analysis was not required. (Canyon Breeze Subdivision Application, Site Visit, GIS data)

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.

USE for all
districts.

SEP 13 2005

Hamilton
Rural Fire
DISTRICTConsensus of All Valley Fire
Council.

Ravalli County Planning Dept.

IC-05-09-1707

Post Office Box 1994 Hamilton, MT 59840

FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

ACCESS ROADS

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

18.2.2.3.1 Required Access. Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

18.2.2.5.1 Dimensions. Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may included a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

18.2.2.5.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

18.2.2.5.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.

SPECIFIC REQUIREMENTS:

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

BUILDING STANDARDS

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

WATER SUPPLY

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

| Distance Between Buildings | Needed Fire Flow |
|----------------------------|------------------|
| More than 100' | 500 gpm |
| 31 - 100' | 750 gpm |
| 11 - 30' | 1,000 gpm |
| 10' or less | 1,500 gpm |

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

EXCEPTIONS: 1. When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.

RECEIVED

JUN 26 2007
IC-07-06-810
Ravalli County Planning Dept.

Stevensville Rural Fire District
P.O. Box 667
Stevensville, MT 59870

June 25, 2007

Ravalli County
Planning Board
Attn: Karen Hughes
215 South 4th, Suite F
Hamilton, MT 59840

Re: Canyon Breeze Sub-Division

Dear Ms. Hughes,

We have reviewed the proposal for Canyon Breeze Sub-Division in regard to access and water. The Stevensville Rural Fire District would ask that they construct 20 foot paved road surfaces, access through lot 9 & 10 paved from River Road. The requested \$500.00 per lot donation and requested road widths and grades support our shuttling water to this development rather than requiring water source development on the property.

Sincerely,



Bill Perrin, Chief
Stevensville Rural Fire District

BP:slm

EXHIBIT A-3

Superintendent
Kent Kultgen
Ext. 136



Stevensville Public School

300 Park Avenue
Stevensville, MT 59870
Phone: 406-777-5481
Fax: 406-777-1381



Business Manager
Bill Schiele
Ext. 139

RECEIVED

DEC 11 2007

1007-12-1545
Ravalli County Planning Dept.

Tristan Riddell
Ravalli County Planning Department
215 South 4th Street; Suite F
Hamilton, MT 59840

December 10, 2007

Dear Mr. Riddell:

This letter is in reference to your correspondence on the Canyon Breeze Major subdivision which is located in the Stevensville Public School District. Our school currently has no caps on our enrollment and any students who move into our boundaries would be admitted.

As you consider this request please keep in mind the following points:

- Stevensville district bus policy stipulates buses can only travel on maintained state and county roads.
- Each subdivision must provide a safe pick-up/drop off zone for school bus children.
- Although our district has not conducted an impact fee study, it would be safe to say the cost would be approximately \$7,500 per single family dwelling. This estimate is based on other area schools' completed impact study findings.

Thank you for the opportunity to share my concerns. If you need any more information please do not hesitate to contact me.

Sincerely,

Kent Kultgen
Superintendent
Stevensville Schools

Cc: Robert Kwapy

EXHIBIT A-4

Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

| School | Total Budget | Students October Count | Budget Per Pupil |
|-------------------|--------------|------------------------|------------------|
| Corvallis | 9,246,716 | 1,413 | 6,544 |
| Stevensville Elem | 4,313,675 | 615 | 7,014 |
| Stevensville HS | 3,844,872 | 426 | 9,026 |
| Hamilton | 10,696,135 | 1,616 | 6,619 |
| Victor | 2,354,712 | 349 | 6,747 |
| Darby | 3,918,507 | 435 | 9,008 |
| Lone Rock Elem | 2,010,732 | 301 | 6,680 |
| Florence | 6,004,225 | 898 | 6,686 |

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

| School | Total Tax Except Capital | Students October Count | County & State Levy* | Tax Levy Per Pupil Exc Capital | Total Capital | Per Pupil Tax Capital | Total Tax Levy Inc Capital | Tax Levy Per Pupil Inc Capital |
|-------------------|--------------------------|------------------------|----------------------|--------------------------------|---------------|-----------------------|----------------------------|--------------------------------|
| Corvallis | 1,894,368 | 1,413 | 941,511 | 2,007 | 166,126 | 117.57 | 3,002,005 | 2,125 |
| Stevensville Elem | 1,077,017 | 615 | 412,448 | 2,422 | 120,541 | 196.00 | 1,610,006 | 2,618 |
| Stevensville HS | 818,794 | 426 | 329,287 | 2,695 | | | 1,148,081 | 2,695 |
| Hamilton | 2,714,396 | 1,616 | 1,050,013 | 2,329 | 909,210 | 562.63 | 4,673,619 | 2,892 |
| Victor | 468,192 | 349 | 202,861 | 1,923 | 297,013 | 851.04 | 968,066 | 2,774 |
| Darby | 1,022,738 | 435 | 371,211 | 3,204 | | 0.00 | 1,393,949 | 3,204 |
| Lone Rock Elem | 432,039 | 301 | 223,920 | 2,179 | 102,211 | 339.57 | 758,170 | 2,519 |
| Florence | 1,234,419 | 898 | 776,153 | 2,239 | 24,542 | 27.33 | 2,035,114 | 2,266 |

NOTE: * County levied Retirement and Transportation

EXHIBIT A-5

BIG SKY DISTRICT
GROWTH MANAGEMENT

RECEIVED

JUN 13 2007

Ravalli County Planning Dept.

1C-07-06-729



June 8, 2007

To: County Planning Office
Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Wyrwas".

Mike Wyrwas
Growth Management Coordinator
Big Sky District

841 S 26TH STREET
BILLINGS, MT 59101-9334
PHONE 406-657-5710
FAX: 406-657-5788
EMAIL MIKE.WYRWAS@USPS.GOV

Randy Fifrick

From: Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]
Sent: Friday, June 29, 2007 9:26 AM
To: Randy Fifrick
Subject: RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas
Operations Programs Support

-----Original Message-----

From: Randy Fifrick [mailto:rfifrick@ravallcounty.mt.gov]
Sent: Tuesday, June 26, 2007 8:59 AM
To: Wyrwas, Mike - Billings, MT
Subject: Mail Delivery Options for New Subdivisions

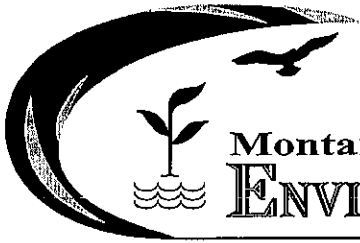
Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

6/29/2007



Montana Department of ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P. O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

November 9, 2007

Dear Interested Party:

The U.S. Environmental Protection Agency (EPA) recently revised the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). The NAAQS are nation-wide air quality standards established to protect the public from unhealthy levels of air pollution. EPA's revised PM NAAQS took effect on December 18, 2006.

The Montana Department of Environmental Quality (DEQ) evaluated air quality monitoring data across the state and determined that Missoula, Lincoln, and Ravalli Counties fail to meet the PM NAAQS. The Governor is required to notify EPA of all counties violating the PM NAAQS by December 18, 2007. EPA is then required to take final action on the Governor's recommended "nonattainment area" list by December 18, 2008 and officially confirm their status as nonattainment areas. As a consequence of EPA designation of nonattainment, Congress directs states to submit a federally enforceable air pollution control plan to EPA for approval.

In Ravalli County, new air quality regulations on motor vehicles, wood stoves, open burning, and industrial operations must be developed and will likely affect many county residents. Proactively, DEQ would like to work with local governments, the potentially regulated community, and other interested parties to identify and develop the new regulations to control the sources of particle matter air pollution in Ravalli County. DEQ representatives will hold the initial meeting with interested parties in the Ravalli County Commission meeting room on Wednesday, December 12, 2007 from 1 to 3 PM.

If you have any questions, please contact me or Bob Habeck (bhabeck@mt.gov or 444-7305). Please feel free to copy and distribute this notice to any parties you believe might be interested in this matter. Thank you for your efforts in protecting Ravalli County's clean air resource.

Robert K. Jeffrey
Air Quality Specialist
Air Resources Management Bureau
Montana Dept. of Environmental Quality
POB 200901 Helena, MT 59620-0901
Voice (406)444-5280; fax 444-1499
rjeffrey@mt.gov



Montana Wildlife & Parks

EXHIBIT A-7

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3099
406-542-5500
Fax 406-542-5529
May 22, 2007

Leo Delaney, Planner
Territorial-Landworks, Inc.
PO Box 3851
Missoula, MT 59806-3851

Reference: Canyon Breeze (Kwapy & Barber)--Proposed major (14 lots on 28.7 acres)
subdivision, NW of Stevensville

Dear Mr. Delaney:

We have reviewed the preliminary concept plat, USGS topographic map, and project summary for this subdivision, and we offer the following.

1. This proposed subdivision is located southwest across the Bitterroot River from the Lee Metcalf National Wildlife Refuge, as well as being nearly adjacent to extensive wetlands, sloughs and riparian areas associated with the Bitterroot River. The river floodplain area is regularly used by wildlife species as seasonal or year-round habitat, as well as functioning as an important corridor for wildlife movement up and down the river. In particular, wildlife such as white-tailed deer, coyote, fox and skunk are found in this area, as well as an occasional black bear and possible mountain lion. Numerous small mammal and bird species (including waterfowl and birds of prey) can be found nearby, as well as nesting birds. We believe there is an elevated probability of human/wildlife conflicts at this location, and we recommend inclusion of "living with wildlife" covenants for this subdivision. Our recommended version of covenants for this location is enclosed. Strict adherence to the guidelines in the covenants should help homeowners avoid conflicts with wildlife.
2. Montana's Stream Access Law allows certain recreational activities, including waterfowl hunting, between the high-water marks of the Bitterroot River and its associated sloughs, and waterfowl hunting is allowed on the Lee Metcalf Refuge. The consequent sounds of shotguns could create some concern for residents of this proposed subdivision. Lawful

waterfowl hunting may occur from early morning until sunset, and the annual season can run from September into January. We have recommended a covenant (section k) that addresses waterfowl hunting as it may apply to this subdivision.

Thank you for providing the opportunity for FWP to comment on this subdivision.

Sincerely,

/s/ Mack Long

Mack Long
Regional Supervisor

ML/sr

C: Ravalli County Planning Department, Attn: Renee Van Hoven, 215 S. 4 St. F, Hamilton, MT 59840

Recommended Development Covenant for Canyon Breeze (Kwapy & Barber) subdivision, recommended by Montana Fish, Wildlife & Park; Missoula; May 22, 2007

Section ____: Living with Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as deer, black bear, mountain lion, coyote, fox, skunk, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens**, fruit trees or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species electric fencing" designed to exclude wildlife from gardens, fruit trees/shrubs and/or home areas.)
- c. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting wildlife such as bears and raccoons. It is best not to set garbage cans out until the morning of garbage pickup, and to bring them back in the same evening.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of

game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.” Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.

- e. **Birdseed** is an attractant to bears. If used, bird feeders must: a) be suspended a minimum of 15 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and/or livestock feed** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries** (bee hives) could attract bears in this area. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. Residents of this subdivision must recognize the subdivision is located nearly adjacent to the Bitterroot River and its associated wetlands and sloughs, where **lawful waterfowl hunting** and the associated discharge of shotguns could occur from early morning until sunset, and the season can run from September into January.

- m. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

EXHIBIT A-8

Canyon Breeze Public Comment

On December 19, 2007, Brad Magruder came to the Planning Department to express concerns regarding the Canyon Breeze Subdivision and a potential loss in the ability to utilize a water right. Katsue Aoyama (residing in East End Lot 2) has a water right associated with Kootenai Creek Ditch 7. Ms. Aoyama's property is located to the east of the proposed subdivision. There are currently no irrigation facilities from which Ms. Aoyama can obtain water. Robert Kwapy who is developing Canyon Breeze plans on severing his water right associated with the property. Mr. Magruder stated that Ms. Aoyama does not want to relinquish her right.

Tristan Riddell